

Serial No. 10/729,202
Atty. Doc. No. 2001P07021WOUS

REMARKS

Applicant has amended claims 1 and 13, and added new claim 14. Thus, claims 1-14 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections under Section 103:

Claims 1 and 13 stand rejected under 35 U.S.C. § 103, the Examiner contending that these claims are obvious over Sung (5,177,695) in view of Hawkes (5,973,643). Claims 2-12 stand rejected under 35 U.S.C. § 103, the Examiner contending that these claims are obvious over Sung (5,177,695) in view of Hawkes (5,973,643), and further in view of Berger (5,920,617).

Applicant has amended independent claim 1 to recite the additional limitation that the characteristic value is the root mean square value of the measuring signal, the peak value of the measuring signal, or a value derived from a measured of the momentary value of the measuring signal. Support for this amendment can be found in the specification page 6 lines 3-7. This limitation further explains and specifies the characteristic values of the measuring signal cyclically determined by a computer system, and determines the measuring period based on such characteristic value.

Sung and Hawkes, alone or in combination, do not teach that the root mean square value of the measuring signal, the peak value of the measuring signal, or a value determined computationally in some other form from the measurement of the momentary values of the measuring signal are used as characteristic values of the measuring signal. Sung rather recites that "an initial output parameter of a controlled device is sampled, followed by another sampling

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of the output parameter at a selected time. Hawkes rather teaches a system and a method for locating mobile cellular telephones by applying measurements selection criteria. Hawkes does not disclose using characteristic values of a measuring signal for determining the measuring period.

Applicant has amended independent claim 13 to recite the additional limitation that a measuring period has a length at least equaling the order of magnitude of a period of the measuring signal if the measuring signal is an alternating period signal, and wherein a length of a measuring period is a discrete sampling instant at which a momentary value of the measuring signal is determined, the characteristic value including the determined momentary value if the measuring signal is a signal having an identical magnitude. Support for this amendment can be found in the specification page 5 line 36 to page 6 line 12.

Sung and Hawkes, alone or in combination, do not teach any limitation how the measuring periods for alternating or constant signals are determined for those different cases. Sung rather recites that "an initial output parameter of a controlled device is sampled, followed by another sampling of the output parameter at a selected time. Hawkes rather teaches a system and a method for locating mobile cellular telephones by performing measurements selection criteria. Hawkes does not disclose using characteristic values of a measuring signal.

Dependent claims 2-12 are also patentable at least based on their dependency from independent claim 1, as well as based on their own merit.

Therefore, Applicants respectfully request that the Examiner withdraw the section 103 rejection.

New Claim 14:

New Claim 14 recites the limitation of previously presented claim 4 and the limitation that the trend analysis is based on fuzzy logic. A trend analysis allows, in particular by interpreting

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the evaluation of the measuring signal pattern according to the rules of fuzzy logic, the detection of slower changes in the measuring signal which cannot be detected by simple threshold monitoring of the characteristic values. See specification page 7 lines 21-27.

New Claim 14 is patentable at least based on its dependency from independent claim 13, as well as based on its own merit.

Applicant respectfully requests the Examiner to consider and make of record the prior art submitted on December 5, 2003 by Information Disclosure Statement by Applicant.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d) for total independent claims in excess of 3, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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